

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JIMMY D. MCKINNEY,  
Plaintiff,

v.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,  
Defendant.

No. CV-11-0304-JPH

**ORDER GRANTING  
MOTION FOR REMAND**

The Report and Recommendation (ECF No. 18) filed by Magistrate Judge Hutton is ADOPTED and the parties' Stipulated Motion For Remand (ECF No. 17) is GRANTED.

The Commissioner's final decision is REVERSED and REMANDED for further administrative proceedings, in accordance with sentence four of 42 U.S.C. § 405(g). Upon remand, the Administrative Law Judge will, inter alia 1) reconsider Dr. Norman Staley's opinion and, if rejecting any portion of the opinion, provide specific and legitimate reasons for doing so; 2) reassess the claimant's residual functional capacity, credibility, and education; and 3) obtain supplemental vocational expert testimony to assist in determining what jobs exist in significant numbers in the national economy given the claimant's age, education, work experience, and residual functional capacity. The ALJ will make a de novo determination as to disability, and issue a new decision.

Plaintiff will be afforded the opportunity to appear and testify at a supplemental hearing. Plaintiff may submit additional evidence and arguments on remand. Those other aspects of the ALJ's prior decision not specifically

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1 addressed here are not affirmed.

2 Upon proper application, Plaintiff shall be eligible for attorneys' fees and  
3 expenses under the Equal Access to Justice Act, 24 U.S.C. § 2412 et seq.

4 IT IS SO ORDERED. The District Court Executive shall enter Judgment  
5 for the Plaintiff and forward copies of the Judgment and this Order to counsel of  
6 record. The file shall be CLOSED.

7 DATED this 20th day of June, 2012.

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9 *s/Lonny R. Suko*

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LONNY R. SUKO  
U.S. District Court Judge